
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

REPUBLIC TECHNOLOGIES (NA), LLC
and REPUBLIC TOBACCO, LP,

Plaintiffs,

versus

THERESA M. GROSS d/b/a TEES CHEAP
TOBACCO,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

NO. 1:20-CV-00390-MAC-ZJH

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

On January 5, 2021, the court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge (#7). Pending before the court is Plaintiffs/Counter-Defendants Republic Technologies (NA), LLC and Republic Tobacco LP’s (“Republic”) Motion to Dismiss Action pursuant to Federal Rule of Civil Procedure 41(a)(2) (#62). On February 8, 2023, the magistrate judge issued his Report and Recommendation (#64), recommending that the court grant Republic’s instant motion to dismiss because there are no live claims between either party. On February 27, 2023, Defendant/Counter-Plaintiff Theresa M. Gross d/b/a Tees Cheap Tobacco (hereinafter “Gross”) filed her *pro se* Objections to Report and Recommendation (#66).

Gross’s Objections merely restate the Federal Rules of Civil Procedure, and case law explaining each rule in further detail, for Rules 41(a)(2) (voluntary dismissal of an action by court order), 12(c) (motion for judgment on the pleadings), 13 (compulsory counterclaim and crossclaim), and 14 (third-party claims). The court has conducted a *de novo* review of Gross’s objections in relation to the parties’ filings and the applicable law. 28 U.S.C. § 636(b)(1)(C).

Gross's objections do not provide specific, written objections to the proposed legal conclusions in Judge Hawthorn's report. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2). After careful consideration, the court finds the objections have no merit and that Judge Hawthorn correctly concluded that Republic's Motion to Dismiss Action (#62) should be granted.

It is therefore ORDERED that the report and recommendation of the magistrate judge (#64) is ADOPTED. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. All remaining motions are terminated as moot. The court will issue a Final Judgment separately.

SIGNED at Beaumont, Texas, this 28th day of February, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE